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PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DONALD SPECTOR - 1 (RCE)
SERIAL NO.: 09/589,313 EXAMINER: R. ALVAREZ
FILED: JUNE 7, 2000 GROUP: 3622
TITLE: IMPROVED SYSTEM FOR ISSUING SHORT LIFE COUPONS OR
OTHER PROMOTIONAL DEVICES

COVER LETTER ENCLOSING BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Appeal Brief dated May 25, 2005, enclosed herewith for filing is a corrected Brief on Appeal. Since the fee was already paid with the filing of the original Brief on Appeal, it is believed that no fee is due. The Commissioner of Patents is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 03-2468.

Respectfully submitted,
DONALD SPECTOR - 1 (RCE)

COLLARD & ROE, P.C. Allison C. Collard, Reg.No.22,532
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Roslyn, New York 11576 Attorneys for Applicant
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Enclosure: Corrected Brief on Appeal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 20, 2005.

Maria Guastella



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DONALD SPECTOR - 1 (RCE)
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TITLE: IMPROVED SYSTEM FOR ISSUING SHORT LIFE COUPONS OR
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CORRECTED BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Dear Sir:

In accordance with the provisions of Rule 192(c), the following items under appropriate headings are provided:

(1) REAL PARTY IN INTEREST:

The real party in interest is Donald Spector, the inventor of the patent application and the party named in the caption above.

(2) RELATED APPEALS AND INTERFERENCES:

There are no other appeals or interferences known to Appellant, the Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS:

Claims 1-12 are being appealed. Claims 1-12 are pending. Claims 1-12 stand rejected.

(4) STATUS OF AMENDMENTS:

Claims 1-12 stand rejected under 35 USC 103(a) as being unpatentable over Barnett et al. (6,336,099) in view of Von Kohorn (5,249,044). No amendments were filed after the Final Office Action. The amendment filed on November 5, 2004 has been entered.

(5) SUMMARY OF CLAIMED SUBJECT MATTER:

The present invention relates to a system for issuing coupons to a consumer in their own home. For illustration purposes only and pursuant to Rule 37 CFR 41.37(c)(1)(v), the invention claimed in claim 1, the sole independent claims, will be described with reference to the drawings and specification. The invention comprises a system for generating discount or promotional coupons, comprising:

a television receiver (16) located at a viewer's premises (p. 6, line 6), said television receiver including and a remote control unit (18) (p. 6, line 7);

a personal video recorder (PVR) (14) (p. 7, line 13) that allows a viewer to select a coupon for a product while it is advertised via a commercial that is displayed by the television receiver, said selection occurring via the remote control unit,

and said PVR transmitting the request for said coupon to a data processing device 20) (p. 7, line 17), which transmits the request to a broadcaster central station (24) (page 8, lines 1-3);

means included within said broadcaster central station for transmitting to a manufacturer coupon generator station (10) a coupon request, which request includes specific information regarding the product of interest (page 8, lines 16-20);

first means included within said manufacturer's coupon generator station for receiving said specific information regarding said product of interest, said manufacturer's coupon generator station also having available up to the minute point-of-sale information on the product of interest and coupon responses and redemptions regarding said product (page 9, lines 1-5) and;

second means (22) included within said manufacturer's coupon generator station for analyzing said specific information regarding said product of interest, and said point-of-sale information and coupon responses and redemptions and issuing a coupon to said viewer based on said analyzed information; wherein the data processing device receives and stores the coupon issued to said viewer (page 9, lines 6-21 and p.10, lines 1-5).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

Whether the rejections of claims 1-12 under 35 U.S.C. 103 as being unpatentable over Barnett in view of Von Kohorn is proper, or whether these rejections should be reversed.

(7) ARGUMENT

The above-defined issue is believed to be in error and should be reversed for the following reasons. *Barnett* requires that the user log onto a personal computer and actively search for the coupons to be ordered. *Von Kohorn* requires a separate coupon printing machine to be stationed in the user's premises. Combining *Barnett* with *Von Kohorn* would not lead to the claimed invention because neither reference utilizes a personal video recorder (PVR) to communicate a coupon request to a broadcaster central station, which coupon request is submitted by pressing a button on the television's remote control device. *Barnett* utilizes a personal computer that communicates with the coupon center. The user must log on and search for the coupons to be downloaded. In the present invention, the user is not actively searching for the coupons, but is watching television, an activity unrelated to coupon searching. *Barnett* does not provide any way in which the user can watch a broadcast entertainment program and simultaneously order coupons for products that are advertised there. The present invention accomplishes this by using a PVR, which makes the television a two-way communication system. *Von Kohorn* utilizes a television, but requires a

separate coupon printing machine. Neither reference takes advantage of existing television equipment, i.e., a television receiver, a PVR and a television remote control to enable the user to receive coupons. A PVR is defined in the specification as a "set-top box equipped with a large capacity hard drive. Incoming television signals are digitalized and stored on the hard drive, allowing the consumer to view replays, catch-up on shows already in progress, index and select recorded shows and most importantly, eliminate commercial advertisements." Neither reference utilizes anything even remotely like a PVR for communicating coupon requests.

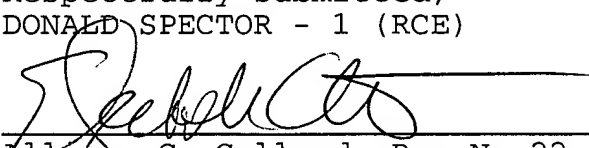
Accordingly, Applicant submits that claims 1-12 are patentable over the cited references, taken either singly or in combination. Early allowance of the claims is respectfully requested.

Respectfully submitted,
DONALD SPECTOR - 1 (RCE)

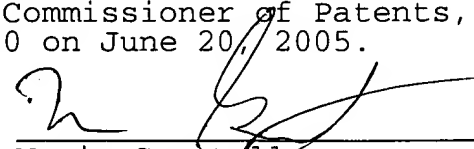
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Enclosure: Appendix containing appealed claims 1-12


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Maria Guastella

(9) APPENDIX

The Appealed claims are as follows:

Claim 1: A system for generating discount or promotional coupons, comprising:

a television receiver located at a viewer's premises, said television receiver including and a remote control unit;

a personal video recorder (PVR) that allows a viewer to select a coupon for a product while it is advertised via a commercial that is displayed by the television receiver, said selection occurring via the remote control unit, and said PVR transmitting the request for said coupon to a data processing device, which transmits the request to a broadcaster central station;

means included within said broadcaster central station for transmitting to a manufacturer coupon generator station a coupon request, which request includes specific information regarding the product of interest;

first means included within said manufacturer's coupon generator station for receiving said specific information regarding said product of interest, said manufacturer's coupon generator station also having available up to the minute point-of-sale information on the product of interest and coupon responses and redemptions regarding said product, and;

second means included within said manufacturer's coupon generator station for analyzing said specific information

regarding said product of interest, and said point-of-sale information and coupon responses and redemptions and issuing a coupon to said viewer based on said analyzed information; wherein the data processing device receives and stores the coupon issued to said viewer.

Claim 2: A system in accordance with claim 1, wherein said request for a coupon includes information specifying a time when said coupon is requested.

Claim 3: A system in accordance with claim 2 wherein said first means included within said manufacturer's coupon generator station further includes means for comparing said time when said coupon is requested with a time when commercials for said product of interest were broadcast.

Claim 4: A system in accordance with claim 1 wherein said second means issues said coupon at a value intended to provide maximum sales of said product of interest.

Claim 5: A system in accordance with claim 1 wherein said second means issues said coupon at a value depending on the geographic location of said viewer.

Claim 6: A system in accordance with claim 1 wherein said coupon is a short life coupon.

Claim 7: A system in accordance with claim 1 wherein said coupon, upon issuance, is printed for said viewer by a printer attached to said data processing device.

Claim 8: A system in accordance with claim 1 wherein said coupon, upon issuance, is electronically stored by said data processing device.

Claim 9: A system in accordance with claim 8 wherein said electronically stored coupon can subsequently be printed or redeemed electronically by said viewer.

Claim 10: A system in accordance with claim 1 wherein said coupon includes inquiries which may be electronically or manually answered by said viewer as part of a contest.

Claim 11: A system in accordance with claim 1 wherein said transmitting means includes means for assembling and transmitting consumer profile information along with said information regarding the product of interest.

Claim 12: A system in accordance with claim 1 wherein said coupon is a promotional coupon.